

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1355 - SB 1356

March 13, 2019

SUMMARY OF BILL: Establishes mandatory hours of operation for county election commission offices in counties with a certified administrator of elections (CAE). Requires counties to pay CAEs the same compensation as that received by general officers.

ESTIMATED FISCAL IMPACT:

Increase Local Expenditures – \$570,500*

Assumptions:

- According to the Division of Elections, there are two counties which do not have CAEs.
- Pursuant to Tenn. Code Ann. § 2-2-108, election commissions in counties with CAEs are required to maintain specific hours of operation; however the specific number of days such commission is required to be open is dependent upon the salary of the CAE.
- The proposed legislation would require such county election commission offices to remain open at least five days per week.
- It is unknown how many county election commission offices are currently open only four days per week and if any offices will require additional staff or expenditures for compensation of current staff in order to staff the commission office an additional day.
- It is reasonably estimated that the mandatory recurring increase in local expenditures for additional staff and compensation at the county election commissions for the mandatory hours will exceed \$10,000 per year statewide.
- Under current law, Tenn. Code Ann. § 2-12-208, counties are required to compensate certain CAEs at least 90 percent of the compensation of the county assessor; however, counties are not prohibited from compensating the CAE at a greater rate.
- County assessors are certified as county general officers and their compensation is determined based on population of the county they serve, pursuant to Tenn. Code Ann. § 8-24-102. The proposed legislation would require counties to compensate CAEs at the same rate as general officers.
- The rate of compensation for each CAE is unknown; however, assuming 75 percent of CAEs currently receive only 90 percent of the salary of the assessor of property based on the FY18-19 salary schedule of county officials, there will be a mandatory recurring increase in local expenditures of \$560,466 statewide.
- The total mandatory recurring increase in local expenditures is estimated to exceed \$570,466 (\$560,466 salary + \$10,000 staff) statewide.

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*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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